

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBERT McFARLAND,

Plaintiff

v.

C-1-09-929

BREADS OF THE WORLD, LLC,  
*et al.*

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 22) to which neither party has objected.

Upon a *de novo* review of the record and in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Recommendation of the United States Magistrate Judge (doc. no. 22) is hereby ADOPTED. Defendants' Motions to Dismiss (doc. nos. 9, 10 and 11) are GRANTED as to defendants Dunn and Ballato on plaintiff's first and third causes of action and DENIED as to plaintiff's fourth cause of action and the claims against the other defendants. Plaintiff's Motion

for Leave to Amend (doc. no. 14) is GRANTED. Plaintiff's First Amended Complaint may be filed. This matter is RECOMMENDED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court